* IN THE HIGH COURT OF DELHI AT NEW DELHI

\+ **Crl. M.C. No. 5207/2006**

% Date of Decision: 5th December, 2007

\# **Smt. Shama** .....Petitioner

! Through Ms. Jyotika Kalra, Advocate

versus

$ **Sandeep Verma** ...Respondent

^ Through Mr. Sunil Gautam, Advocate for the complainant.

CORAM:

*** HON'BLE MR. JUSTICE P.K.BHASIN**

1. Whether Reporters of local papers may be allowed to see the Judgment?(No)
2. To be referred to the Reporter or not? (No)
3. Whether the judgment should be reported in the digest?(No)

JUDGMENT

P.K. BHASIN, J:

This petition is preferred by the petitioner under Section 482 of the Code of Criminal Procedure, 1973 seeking quashing of the order dated 20.05.2006 passed by the learned Metropolitan Magistrate in the criminal complaint filed by her

husband, respondent herein, whereby she was summoned as an accused for the commission of offence punishable under Section 315 I.P.C.

2. Briefly stated, facts of the case are that the marriage between the petitioner and the respondent was solemnized on 30.11.2002 and since the very beginning of their marriage, the petitioner was allegedly subjected to cruelty for not having brought sufficient dowry. It is averred in the petition that the petitioner conceived in the mid of February, 2003 but because of not having brought enough money the petitioner was severely beaten up by the respondent on 02.06.2003 which ultimately led to the mis-carriage of the three month old pregnancy of the petitioner. All this forced the petitioner to lodge a complaint with CAW cell which finally led to registration of FIR no. 264/2003 on 06.12.2003 against the respondent and his family members under Sections 498A/406/34 I.P.C.

3. Thereafter the respondent-husband filed a criminal complaint before the learned Metropolitan Magistrate and, as noticed already, the learned Magistrate summoned the petitioner as accused vide the impugned order. Aggrieved by the said order the present petition was filed.

4. During the pendency of the criminal proceedings between the parties they sorted out their disputes and arrived at an amicable settlement. Compromise Deed dated 11.12.2006 has been placed on record. Then a petition for divorce by mutual consent was filed. After having recorded the joint statement of both the parties the learned Additional District Judge vide his judgment dated 07.04.2007

in H.M.A. Case No. 459/07 dissolved the marriage between the petitioner and the respondent herein.

5. As had been agreed between the parties the petitioner herein appeared before this Court in Crl. M.C. No. 700/2007 and supported the prayer of the respondent herein for quashing of the FIR no. 264/2003 which was registered at the instance of the petitioner against him and his family members for the offences under Sections 498A/406/34 I.P.C. and the FIR was quashed by this Court vide order dated 18.09.2007 in view of the settlement arrived at between the parties. Certified copy of the order has also been placed on record. Then in the present case also both parties made a joint request for quashing of the criminal complaint filed by the respondent herein pending trial in the Court of Metropolitan Magistrate.

6. The complainant in the present case having himself now stated before this Court that because of his having amicably resolved the disputes with his wife he is no more interested in her prosecution it would secure the ends of justice, if the complaint case pending in the Court against the petitioner is quashed as no useful purpose would be served by continuing the trial arising out of matrimonial disputes which now stands resolved amicably.

7. This petition is accordingly allowed and consequently the complaint case no. 19614/11/5/4 pending in the Court of Metropolitan Magistrate, Delhi, is hereby quashed.

P.K.BHASIN,J

December 5, 2007
sh